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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

04 FEB 2009

2009 FEB - 5 PM 12: 05
epm

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is **Bill No. 368(LS)**, "AN ACT TO *ADD* A NEW ARTICLE 14 TO CHAPTER 68 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RETURN OF UNUSED PROPERTIES TO THEIR RIGHTFUL OWNERS AND HEIRS, AND TO CITE THE ACT AS "*THE RETURN OF PRIVATE PROPERTIES ACT OF 2008*" which was signed into law on January 30, 2009 as **Public Law 29-151**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam


Attachment: copy of Bill

30-09-0213
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 2/05/09
Time 10:30
Received by

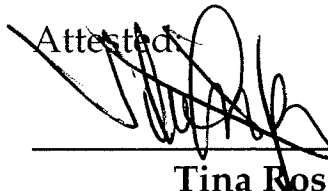
I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 368 (LS)**, "AN ACT TO *ADD A NEW ARTICLE 14 TO CHAPTER 68 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RETURN OF UNUSED PROPERTIES TO THEIR RIGHTFUL OWNERS AND HEIRS, AND TO CITE THE ACT AS "THE RETURN OF PRIVATE PROPERTIES ACT OF 2008,"* was on the 30th day of December, 2008, duly and regularly passed.

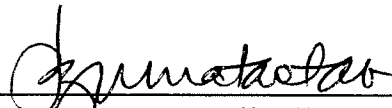


Judith T. Won Pat, Ed. D.
Speaker

Attested


Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 31 day of Dec, 2008, at
3:10 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 30 JAN 2009

Public Law No. 29-151

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 368 (LS)

As substituted by the Author
and amended on the Floor.

Introduced by:

Frank F. Blas, Jr.
v. c. Pangelinan
Edward J.B. Calvo
Tina Rose Muña Barnes
B. J.F. Cruz
James V. Espaldon
Mark Forbes
Judith P. Guthertz, DPA
Frank T. Ishizaki
J. A. Lujan
A. B. Palacios, Sr.
R. J. Respicio
Dr. David L.G. Shimizu
Ray Tenorio
J. T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW ARTICLE 14 TO CHAPTER 68 OF
TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE
TO THE RETURN OF UNUSED PROPERTIES TO THEIR
RIGHTFUL OWNERS AND HEIRS, AND TO CITE THE ACT
AS "THE RETURN OF PRIVATE PROPERTIES ACT OF 2008."**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 14 is hereby *added* to Chapter 68 of Title 21 of
the Guam Code Annotated, to read as follows:

“Article 14.

Return of Unused Properties.

§6814101. Title.

- 1 **§6814102. Legislative Findings and Intent.**
- 2 **§6814103. Authorization to Return Properties.**
- 3 **§6814104. Facilitation of Land Exchange.**
- 4 **§6814105. No Prohibition Against Building.**
- 5 **§6814106. Inclusion of Parcels in Real Estate Tax Roll.**
- 6 **§6814107. Severability.**

7 **§6814101. Title.** This Act may be cited or referred to as “*The*
8 *Return of Private Properties Act of 2008.*”

9 **§6814102. Legislative Findings and Intent.** Public Law 17-54
10 created a protective zone surrounding the perimeter of the Department of
11 Corrections (DOC) in Mangilao and further authorized *I Maga’lahen*
12 *Guåhan* to conduct land exchanges on an area-for-area basis with the
13 affected land owners. This zone affected those properties contained within
14 the five hundred foot (500’) radius surrounding the Department of
15 Corrections.

16 *I Liheslaturan Guåhan* finds that these families whose properties have
17 been adversely affected by the protective zone, and who should have been
18 granted an exchange with government of Guam land, have been left in an
19 uncertain situation for over thirty (30) years. Furthermore, the government
20 left the landowners in a position where they were unable to improve their
21 properties *or* to even construct safe and decent homes. *I Liheslaturan*
22 *Guåhan* finds that, through no fault of their own, these families faced
23 condemnation of their land by default.

24 More importantly, *I Liheslaturan Guåhan* finds that the Department of
25 Corrections is desirous of returning unused properties back to the original
26 landowners.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to come to a fair
2 and equitable resolution of this thirty (30) year old continuing problem by
3 returning the properties mentioned herein to the families at no cost.

4 **§6814103. Authorization to Return Properties.** *I Maga'lahen*
5 *Guåhan* is authorized to return the following private properties back to the
6 respective owners:

- 7 (1) Lot No. 3339-4A-3, Mangilao, containing an area of 4,046 ±
8 square meters belonging to Bernadette Salas Atoigue with
9 reference map filed at the Department of Land Management as
10 Document Number 321816.
- 11 (2) Lot No. 3339-4A-R5, Mangilao, containing an area of 24,083 ±
12 square meters belonging to Raymond C. Salas with reference
13 map filed at the Department of Land Management as Document
14 Number 321816.
- 15 (3) Lot No. 3339-8-3, Mangilao, containing an area of 1,858.24 ±
16 square meters belonging to Raymond C. Salas with reference
17 map filed at the Department of Land Management as Document
18 Number 333641.
- 19 (4) Lot No. 3339-8-4, Mangilao, containing an area of 1,858.06 ±
20 square meters belonging to Raymond C. Salas with reference
21 map filed at the Department of Land Management as Document
22 Number 333641.
- 23 (5) Lot No. 3339-8-5, Mangilao, containing an area of 1,868.49 ±
24 square meters belonging to Jesse C. Salas with reference map
25 filed at the Department of Land Management as Document
26 Number 333641.

- 1 (6) Lot No. 3339-8-6, Mangilao, containing an area of 1,858 ±
2 square meters belonging to Jesus M. Salas with reference map
3 filed at the Department of Land Management as Document
4 Number 333641.
- 5 (7) Lot No. 3339-8-7, Mangilao, containing an area of 1,868.49 ±
6 square meters belonging to Jesus M. Salas with reference map
7 filed at the Department of Land Management as Document
8 Number 333641.
- 9 (8) Lot No. 3348, Mangilao, containing an area of 65,506.62 ±
10 square meters belonging to Manuel C. Salas with reference map
11 filed at the Department of Land Management as Document
12 Number 234754.
- 13 (9) Lot No. 5400-2, Mangilao, containing an area of 7,594 ± square
14 meters belonging to Priscilla U. Mesa, reference to Drawing
15 No. LCJ66T131 at the Department of Land Management as
16 Document Number 83310.
- 17 (10) Lot No. 5400-3, Mangilao, containing an area of 7,594 ± square
18 meters belonging to Priscilla U. Mesa, reference to Drawing
19 No. LCJ66T131 at the Department of Land Management as
20 Document Number 83310.
- 21 (11) Lot No. 2406-7, Mangilao, containing an area of 4,000 ± square
22 meters belonging to Larry Ko, as designated on Map Drawing
23 Number RRV83-26S, recorded as Instrument Number 347003.
- 24 (12) Lot No. 2406-9, Mangilao, containing an area of 3,874 ± square
25 meters belonging to Larry Ko, as designated on Map Drawing
26 Number RRV83-26S, recorded as Instrument Number 347003.

1 (13) Lot No. 2406-12, Mangilao, containing an area of 3,874 ±
2 square meters belonging to Larry Ko, as designated on Map
3 Drawing Number RRV83-26S, recorded as Instrument Number
4 347003.

5 (14) Lot No. 2406-13, Mangilao, containing an area of 3,874 ±
6 square meters belonging to Larry Ko, as designated on Map
7 Drawing Number RRV83-26S, recorded as Instrument Number
8 347003.

9 (15) Lot No. 2406-14, Mangilao, containing an area of 3,874 ±
10 square meters belonging to Larry Ko, as designated on Map
11 Drawing Number RRV83-26S, recorded as Instrument Number
12 347003.

13 **§6814104. Facilitation of Land Exchange.** (a) The Director of
14 Land Management *shall* facilitate for *I Maga'lahañ Guåhan* the return of
15 those properties identified in §6814103 of this Chapter. The return of these
16 properties *shall* be accomplished within thirty (30) days *or* sooner, from the
17 date of enactment.

18 (b) The Director of Land Management is hereby authorized to
19 expend such sums as are necessary to effectuate the return of properties
20 mentioned herein.

21 **§6814105. No Prohibition Against Building.** Nothing contained in
22 this Act *shall* be construed to prevent *or* prohibit the party receiving the
23 properties from improving such land *or* from building, erecting *or*
24 constructing structures approved in accordance with the building and zoning
25 codes of Guam.

26 **§6814106. Inclusion of Parcels in Real Estate Tax Roll.** Because
27 of the government's failure to utilize the parcels identified herein as part of a

1 government facility, inclusive of roadways and utility easements, the
2 Director of Land Management *shall* transmit to the Director of Revenue and
3 Taxation those parcels identified herein for inclusion in the real estate tax
4 rolls. Upon verification, the Director of Revenue and Taxation *shall* include
5 the parcels back into the real estate tax rolls and *shall* be applied
6 prospectively and *not* retroactively.

7 **§6814107. Severability.** *If* any provision of this Act or its
8 application to any person or circumstance is found to be invalid or contrary
9 to law, such invalidity shall *not* affect other provisions or applications of this
10 Act which can be given effect without the invalid provisions or application,
11 and to this end the provisions of this Act are severable.”